

**REMARKS**

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks. Additionally, Applicants reiterate the arguments made in the last Office Action Response.

**Regarding the Claim Objections**

The objections to the claims have been addressed as required in the Office Action.

**The Claim Amendments**

While Applicants submit that the claims distinguish over the cited art as argued below, Applicants have amended many of the claims to specifically call out the modular nature of the software, and the interrelationship thereof in accordance with certain preferred embodiments consistent with the invention. None of the cited art calls out the particular software module breakdown and interrelationship as claimed in the amended claims. The claims are submitted to be patentable over the cited art, even without these amendments. Reconsideration and allowance are respectfully requested.

Claims 44 and 45 have been amended to correct an obvious error in labeling an input signal as an event without establishing proper antecedent basis. It is clear from the Examiner's discussion of this claim that it was properly interpreted despite the obvious error. Accordingly, this amendment necessitates no new search or consideration in and of itself.

**Regarding the Rejections under 35 U.S.C. §102**

It is first noted that claim 17 is indicated to be rejected both under 35 U.S.C. §102(e) and 35 U.S.C. §103(a). Since no explanation is provided for the rejection under 35 U.S.C. §102(e) and one is provided for the rejection under 35 U.S.C. §103(a), it is presumed that the Examiner intended that the rejection to be under 35 U.S.C. §103(a). As such, the undersigned is treating this as a rejection under 35 U.S.C. §103(a), and addresses the rejection below.

Particularly regarding the rejection to claim 1, Applicants request reconsideration. The Legall reference of record fails to disclose each and every claim element as required to establish that the claim is anticipated as follows:

As amended, claim 1 calls for a web browser, a television manager and an event manager as interrelated software modules. The Legall reference, while disclosing certain functionality as being computer based, has no disclosure or suggestion of the partitioning and interrelationship of software into

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the particular functional modules as claimed. It is noted that anticipation requires not only the presence of each element of the claim, but also the exact arrangement of the elements (MPEP 2131). General disclosure of computer based functionality is inadequate to anticipate or obviate the claims as amended to call out the software's modular structure.

Claim 1, as originally submitted and as amended, further calls for *"determining that the input signal is unmatched to the current cursor location"*. The Office Action alleges that this is disclosed at column 4, lines 60-65. Applicants respectfully take issue with this assertion. The cited passage of Legall discloses only that *"the user may indicate selection by using a remote control to enter the station number ID or by moving the cursor to point to the desired program"*. This only indicates that multiple techniques can be used to select a desired program, and in fact suggests that there is no relationship between the cursor position and direct entry. The art fails to suggest any operation that determines if an input signal is unmatched to a current cursor position. In fact, the presence in Fig. 3B of a soft button labeled "EPG" can be construed to indicate that the EPG button is used to enter a mode that permits selection from the EPG using a cursor, and that otherwise input of a station ID is interpreted otherwise. Moreover, there is no disclosure of the nature of a remote control that could be used to make the station selection. Such remote control could readily incorporate dedicated keys for making station selection, or keys used to otherwise indicate that a station selection is being made. The fact is, there is simply not adequate disclosure in Legall to teach, enable, suggest or even hint at the claim feature quoted above. Thus, there can be no anticipation.

Claim 1 further requires *"at the event manager software module, redirecting the input signal to a television manager software module as a result of determining that the input signal is unmatched to the current cursor location"*. There is no disclosure or suggestion in Legall that, to paraphrase, an event manager software module redirects an input signal to a television manager software module as a result of making the determination that the cursor position and the input signal are unmatched. Accordingly, there can be no anticipation.

It is further noted that it is well established law that the prior art must enable one skilled in the art to make and use the claimed invention. (Motorola, Inc. v. Interdigital Tech. Corp, 43 USPQ2d 1481, 1489, Fed. Cir. 1997 – "the prior art must enable one skilled in the art to make and use the apparatus or method.") The Legall reference's omission of any discussion of making a decision based upon whether or not an input signal is unmatched to a current cursor location clearly means that Legall fails to anticipate or enable this claim feature. Furthermore, Legall's failure to disclose redirection of input from an event manager software module to a television manager software module clearly means that Legall fails to

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anticipate or enable this claim feature. Accordingly, the Legall reference fails to anticipate claim 1. Reconsideration is respectfully requested.

Regarding the rejection of claims 2, 4, 7, 8, 9, 13, 14, 15, 17, 18, 31, 32, 36, 37, 38, 39, 40, 43, and 44, it is noted that the above comments are equally applicable. While certain of the independent claims use somewhat different words to describe the determining function, the arguments remain valid.

Regarding claim 45, this claim remains unamended except to correct an obvious error in referring to the "input signal" as an "event" without providing proper antecedent basis. This minor error has been corrected without impact on the claim scope as intended and as interpreted by the Examiner. Claim 45 calls for "*an event manager program running on the programmed processor that determines whether or not the input signal is directed to the current web page by determining whether or not the input signal is matched to the current cursor location*". The Office Action alleges that this is disclosed at column 4, lines 40-44 and 60-65. As noted above, the cited passage of Legall discloses only that "*the user may indicate selection by using a remote control to enter the station number ID or by moving the cursor to point to the desired program*". This only indicates that multiple techniques can be used to select a desired program. The art fails to suggest any operation that determines if an input signal is unmatched to a current cursor position. Again, there is simply not adequate disclosure in Legall to teach, enable, suggest, or even hint at the claim feature quoted above. Thus, there can be no anticipation.

Claim 45 further requires "*if the event is not matched to the current cursor location: the event manager determines that the input signal corresponds to a television command; the event manager directs the input signal to the television manager*". There is no disclosure or suggestion in Legall that, to paraphrase, an event manager directing an input signal to a television manager as a result of making the determination that the cursor position and the input signal are unmatched. Accordingly, there can be no anticipation.

It is further noted as above that it is well established law that for a reference to anticipate, it must enable one skilled in the art to make and use the claimed invention. The Legall reference's omission of any discussion of making a decision based upon whether or not an input signal is unmatched to a current cursor location, and redirection of input from an event manager software module to a television manager software module clearly precludes the Legall reference from anticipation or enablement of the corresponding features of claim 45. Accordingly, there can be no anticipation.

In view of this lack of essential disclosure in Legall, it is submitted that all anticipation rejections are deficient. Reconsideration and allowance are respectfully requested.

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**Regarding the Rejections under 35 U.S.C. §103**

It is first noted that claims 3 and 33 are indicated to be rejected under 35 U.S.C. §102(e) on page 14 at section 6 of the current Office Action. However, this section falls under the main heading of "Claim Rejections – 35 USC § 103" and further appears to rely on information beyond that disclosed in Legall. Moreover, the explanation in the last paragraph indicates that the rejection is based upon obviousness. As such the undersigned is treating this as a typographical error and believes that the rejection is in fact under 35 U.S.C. §103(a).

Also, as noted above, claim 17 is being treated herein as having been rejected under 35 U.S.C. §103(a) rather than 35 U.S.C. §102(e).

Claims 3, 5, 6, 11, 12, 16, 17, 28, 29, 30, 33, 34, 35, 41, 42 and 46 were rejected under 35 U.S.C. §103(a). Each of these rejections is based in part upon the Legall reference. Accordingly, the above remarks regarding the shortcomings of Legall in disclosing certain features are equally applicable. Also, the discussion of the amendments relating to the modular arrangement of the software is also applicable. Reconsideration of each rejection is respectfully requested on the basis of the shortcomings of Legall.

Specifically regarding claims 25 and 30, the above remarks are applicable. Further, it is noted that there is no teaching or suggestion in the art that would provide the motivation to supply the missing elements noted above that are missing from the Legall reference. Neither the Wang reference nor the Legall reference provide teachings of redirecting an input signal to a television manager based upon a cursor location not matching the input signal (to paraphrase without intent of imposing limitations).

The Office Action submits that modification to supply an event manager that functions as claimed is an obvious modification, but erroneously asserts that this feature is disclosed in Legall. As noted above, there is no such disclosure and no motivation to supply such a software module or associated function except in Applicants' disclosure. Reconsideration is respectfully requested.

Further regarding claims 25 and 30, while Wang may disclose certain software that controls certain television functions, there is no disclosure of the modular software arrangement claimed in the amended claims. Reconsideration is respectfully requested.

Regarding claims 3 and 33, the above remarks regarding Legall are equally applicable. Applicants acknowledge that it is known to incorporate a television receiver into a set top box, but notes that this feature must be considered in combination with each of the other claim features and the claim must be viewed as a whole.

Regarding claims 5, 6, 11, 12, 16, 17, 34, 35, 41, 42 and 46, the above remarks regarding Legall are equally applicable. Further, it is noted that there is no teaching or suggestion in the art that would

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provide the motivation to supply the missing elements from Legall as noted above. Neither the Morrison reference nor the Legall reference provide teachings of redirecting an input signal to a television manager based upon a cursor location not matching the input signal (again paraphrasing without intent to limit).

The Office Action asserts on page 15 that Morrison discloses (on column 13, between lines 40-57) a system that evaluates a cursor position to determine the desired function. It is reasoned in the Office Action that selection of a desired function determines which functions at other locations are not desired (to paraphrase). However, there is again no disclosure whatsoever of determining that a cursor position is unmatched to an input signal, nor is there any disclosure of consequences of making such a determination. The only actions discussed are a result of a matching input signal. While Morrison might teach taking an appropriate action when the input signal is matched to the cursor location, it is submitted that there is no teaching or suggestion first making the determination that the input signal is unmatched and then for taking a subsequent action as a result. There is not even the suggestion of that possibility. Such disclosure is missing from the cited art and only appears in Applicants' disclosure and claims. Reconsideration is respectfully requested.

Regarding claims 28 and 29, the above remarks regarding the shortcomings of Legall, Wang and Morrison are equally applicable. Also, the discussion of amendments relating to the modular arrangement of the software is also applicable.

#### Regarding Sections 9.a. and 9.b. of the Office Action

Applicants respectfully request that the Examiner reconsider his position in light of the actual wording of the claims. By way of example, claim 1 calls for "determining that the input signal is unmatched to the current cursor location". (Emphasis added) The Examiner asserts that the fact that entering a station ID is unrelated to a cursor position and therefore meets the claim limitation. While entry of a station ID may be unrelated to a cursor position, there is no teaching or suggestion in Legall of any sort of determination that they are unmatched as required by the claims. Legall may, for example, always interpret certain entries as entry of a station ID. There is no basis in Legall to conclude that a the operation of making a determination that an input is unrelated to a cursor position is carried out. It is respectfully submitted that failure of Legall to make that disclosure or suggestion means that the claim feature of making of such determination has not been met. The claim limitation clearly requires a determining function to be carried out. Accordingly, to anticipate such a determination has to be made and there is no disclosure of such in any of the cited art.

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Applicants appreciate that the examiner is charged with taking the broadest reasonable reading of the claim language; however, the actual claim limitations including each and every word have to be fully considered. Due to the failure of Legall to make the required determination, Legall fails to anticipate. Furthermore, the lack of any reference teaching or suggesting of such a determination renders the claims nonobvious.

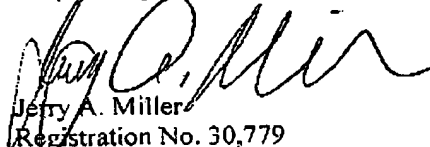
#### Concluding Remarks

The undersigned reiterates the arguments presented in the last response. In view of the above, all claims are clearly allowable.

Applicants additionally note that many other distinctions exist between the cited references and the invention as claimed. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position. No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date.

Respectfully submitted,



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